

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(3Com Docket No. 06-540)

In re Application of:	)	
	)	
Nathan Henderson	)	
	)	Examiner: Cao, Chun
Serial No.: 09/942,789	)	
	)	Group Art Unit: 2115
Filed: August 29, 2001	)	
	)	Confirmation No.: 2943
For: High Speed Network Interface	)	
With Automatic Power	)	
Management with Auto-	)	
Negotiation	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION**

Dear Sir:

I, Mark A. Haynes, residing at San Francisco, California hereby declare:

1. Exhibit A is a fax, which was sent to 3Com Corporation on April 16, 2001. As indicated in Exhibit A, the 3Com Docket No. assigned to the present application is 3641.BCG.US.P. *See* Exhibit A. The fax is a cost estimate for the application and it was my usual practice to send a fax to 3Com Corporation after receiving an invention disclosure. The fax served as an affirmative indication that our firm would proceed to work on preparing and drafting the application. After transmitting the fax, I recall that it was my practice not to require, nor expect, further instructions before beginning work on preparing an application.
2. During 2001, it was my standard practice to docket cases and work on them in chronological order as they were received.
3. I had a backlog of cases when I received the invention disclosure for this application.
4. In 2001, four attorneys worked full time at Haynes, Beffel & Wolfeld LLP.
5. I have reviewed my billing records between April 2001 and August 2001. During that time, I was involved with litigation matters relating to International Trade Commission

(ITC). I was also involved in portfolio license negotiations for a large semiconductor company. In addition, during that time, I continued to work on my backlog of patent application preparation and prosecution commitments.

6. I spoke with one of the inventors about the technology involved on the phone when I received the disclosure on or about 16 April 2001, in order to provide an estimated cost and time for completion. *See Exhibit B.* Based on my workload and the size of our firm, I estimated that it would take me approximately four months to draft and file the application. *See Exhibit A.* Between April 16, 2001 and August 8, 2001, I worked on my backlog of patent application preparation and prosecution commitments and other related projects. I worked reasonably diligently to adhere to the estimated filing date.
7. Exhibits C through H provide redacted copies of my billing records indicating when I worked on this application.
8. On Wednesday, August 8, 2001, I studied the material (in the invention disclosure) and performed an on-line search. *See Exhibit C.*
9. On Thursday, August 9, 2001, I drafted claims and outlined the application. *See Exhibit D.*
10. On Friday, August 10, 2001, I continued drafting the application. *See Exhibit E.*
11. On Saturday, August 11, 2001, I edited the application. *See Exhibit F.*
12. On Monday, August 13, 2001, I sent a draft application to the inventors for review. *See Exhibit G.*
13. I finalized the application and sent the inventors a final draft of the application on Thursday, August 23, 2001. *See Exhibit H.*
14. I then filed the application on Wednesday, August 29, 2001.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

26 Feb 2008



Mark A. Haynes

# EXHIBIT A

**3Com****Attorney Estimate Sheet**

Fax to: 3Com Corporation - Legal Department, Attn: Joann McCrea  
 Fax No.: 408-326-6434

3Com Docket 3641 . BCG . US . POutside Counsel Haynes & Beffel LLP

3Com Atty: \_\_\_\_\_

OC Attorney Haynes, Mark

Max Filing Date \_\_\_\_\_

OC Docket \_\_\_\_\_

unless filing must be earlier to prevent possible loss of rights)

Disc Title: AN APPARATUS FOR AUTOMATIC POWER MANAGEMENT FOR GIGABIT ETHERNETResponsible Firm Attorney: MARK HAYNESAttorney Fees: 8500Patent Office Fees: 1200Other Charges: 500Total Application Cost Estimate: 10200Estimated Date For Filing: 15 AUGUST 2001Attorney Mark Haynes

This is a not to exceed dollar amount unless otherwise approved by a 3Com attorney and is to be billed at one time after filing of the application. This amount should include all costs regarding copying and transmittals of copies of all Patent Office correspondence, documents and fees including reminders through filing.

Fax the completed estimate to 3Com legal within  
 one week of receipt of the invention disclosure

Sample Claim (of medium scope covering the invention)

- 0 Preparation and filing of the application on or before the date indicated in accordance with the above cost estimate is authorized per the undersigned; or  
 0 Preparation and filing of the application is not authorized and the matter should be closed on your records

3Com Confidential

# EXHIBIT B

2/13/2008  
10:28 AM

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Page 1

Selection Criteria

Time.Selection Include: Mark A. Haynes  
Acti.Selection Include: Attorney Time  
Slip.Date 4/16/2001 - 4/16/2001

Rate Info - identifies rate source and level

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9642	TIME			Mark A. Haynes	0.30		
	4/16/2001			Attorney Time	0.00		
	Billed	G:15555	9/27/2001	SCOM.3641-1			
			Review disclosure; contact inventor.		0.00		
9643	TIME			Mark A. Haynes	0.30		
	4/16/2001			Attorney Time	0.00		
	Billed	G:15324	8/16/2001				
			Review disclosure; contact inventor.		0.00		
9641	TIME			Mark A. Haynes	0.30		
	4/16/2001			Attorney Time	0.00		
	Billed	G:15554	9/27/2001				
			Review disclosure; contact inventor.		0.00		
9644	TIME			Mark A. Haynes	0.30		
	4/16/2001			Attorney Time	0.00		
	Billed	G:15325	8/16/2001				
			Review disclosure; contact inventor.		0.00		
9645	TIME			Mark A. Haynes	0.10		
	4/16/2001			Attorney Time	0.00		
	Billed	G:14585	5/17/2001				
			Attention to e-mail re: status.		0.00		
9646	TIME	Inactive		Mark A. Haynes	0.20		
	4/16/2001			Attorney Time	0.00		
	Billed	G:14606	5/17/2001				
			Attention to matter and e-mail.		0.00		
9637	TIME			Mark A. Haynes	0.50		
	4/16/2001			Attorney Time	0.00		
	Billed	G:14596	5/17/2001				
			Attention to petition and Information Disclosure Statement.		0.00		

# EXHIBIT C

2/13/2008  
10:31 AM

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Page 1

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Acti. Selection Include: Attorney Time  
Slip Date 8/8/2001 - 8/8/2001

Rate Info - identifies rate source and level

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8/8/2001				Attorney Time	0.00		
Billed	G:15555	9/27/2001		3COM.3641-1			
			Study material; on-line search.		0.00		
12703	TIME	Inactive		Mark A. Haynes	0.50		
8/8/2001				Attorney Time	0.00		
Billed	G:15556	9/27/2001					
			Attention to inventor information.		0.00		
12702	TIME	Inactive		Mark A. Haynes	0.50		
8/8/2001				Attorney Time	0.00		
Billed	G:15582	9/27/2001					
			Attention to issues.		0.00		
12701	TIME	Inactive		Mark A. Haynes	0.20		
8/8/2001				Attorney Time	0.00		
Billed	G:16124	11/21/2001					
			Conference with re: application.		0.00		
12706	TIME			Mark A. Haynes	0.40		
8/8/2001				Attorney Time	0.00		
Billed	G:15916	10/23/2001					
			Attention to application drawings.		0.00		
12705	TIME			Mark A. Haynes	5.10		
8/8/2001				Attorney Time	0.00		
Billed	G:15554	9/27/2001					
			Complete first draft of application.		0.00		
12704	TIME			Mark A. Haynes	0.50		
8/8/2001				Attorney Time	0.00		
Billed	G:15581	9/27/2001					
			Attention to portfolio.		0.00		
Grand Total				Billable	8.00		



# EXHIBIT D

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10:32 AM

HAYNES BEFFEL & WOLFELD LLP  
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Acti.Selection Include: Attorney Time  
Slip.Date 8/9/2001 - 8/9/2001

Rate Info - Identifies rate source and level

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12712	TIME	Inactive		Mark A. Haynes	0.80		
8/9/2001				Attorney Time	0.00		
Billed	G:15582	9/27/2001					
Attention to			matter.		0.00		
12711	TIME			Mark A. Haynes	1.50		
8/9/2001				Attorney Time	0.00		
Billed	G:15554	9/27/2001					
Finalize; e-mail draft to inventor.					0.00		
12710	TIME			Mark A. Haynes	3.20		
8/9/2001				Attorney Time	0.00		
Billed	G:15555	9/27/2001		3COM.3641-1			
Draft claims; outline application; prior art search.					0.00		
12709	TIME			Mark A. Haynes	2.30		
8/9/2001				Attorney Time	0.00		
Billed	G:15653	9/27/2001					
Finalize; send out draft.					0.00		
12708	TIME			Mark A. Haynes	0.40		
8/9/2001				Attorney Time	0.00		
Billed	G:15922	10/23/2001					
Attention to grant decision.					0.00		
Grand Total				Billable	8.20		
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# EXHIBIT E

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Actl.Selection Include: Attorney Time  
Slip.Date 8/10/2001 - 8/10/2001

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12736	TIME			Mark A. Haynes	0.30		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15692	9/27/2001				
			Attention to erroneous "Notice of Improper RCE..."		0.00		
12735	TIME			Mark A. Haynes	0.10		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15556	9/27/2001				
			Attention to e-mail re: inventor addresses.		0.00		
12734	TIME			Mark A. Haynes	0.30		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15653	9/27/2001				
			Attention to e-mail re: filing.		0.00		
12737	TIME			Mark A. Haynes	0.20		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15557	9/27/2001				
			Attention to international filing issue.		0.00		
12729	TIME			Mark A. Haynes	6.00		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15555	9/27/2001	3COM.3641-1			
			Complete first draft of application.		0.00		
12732	TIME			Mark A. Haynes	0.30		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15581	9/27/2001				
			Attention to miscellaneous portfolio issues.		0.00		
12733	TIME			Mark A. Haynes	0.40		
	8/10/2001			Attorney Time	0.00		
	Billed	G:15922	10/23/2001				
			Attention to second draft letter to associate.		0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
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12731	Mark A. Haynes	0.50		
8/10/2001	Attorney Time	0.00		
Billed	G:15705 9/27/2001			
Attention to inventor comments.		0.00		
12730	Mark A. Haynes	0.60		
8/10/2001	Attorney Time	0.00		
Billed	G:15697 9/27/2001			
Attention to material for due diligence.		0.00		
Grand Total	Billable	8.70		
	Unbillable	0.00		
	Total	8.70		

# EXHIBIT F

2/13/2008  
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Page 1

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Time.Selection Include: Mark A. Haynes  
Acti.Selection Include: Attorney Time  
Slip.Date 8/11/2001 - 8/11/2001

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Rate Info - identifies rate source and level

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Description		Variance		
12738	Mark A. Haynes	2.00		
8/11/2001	Attorney Time	0.00		
Billed	9/27/2001 3COM.3641-1	0.00		
Edit application.				
Grand Total				
	Billable	2.00		
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# EXHIBIT G



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Actl.Selection Include: Attorney Time  
Slip.Date 8/13/2001 - 8/13/2001

Rate Info - Identifies rate source and level

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12745	TIME			Mark A. Haynes	0.80		
	8/13/2001			Attorney Time	0.00		
Billed	G:16175	11/21/2001					
			Study Office Action; outline response.		0.00		
12740	TIME	Inactive		Mark A. Haynes	0.70		
	8/13/2001			Attorney Time	0.00		
Billed	G:15589	9/27/2001					
			Report Written Opinion.		0.00		
12739	TIME			Mark A. Haynes	0.90		
	8/13/2001			Attorney Time	0.00		
Billed	G:15555	9/27/2001		3COM.3641-1			
			Send out first draft to inventors; e-mail re: same.		0.00		
12746	TIME			Mark A. Haynes	0.30		
	8/13/2001			Attorney Time	0.00		
Billed	G:15602	9/27/2001					
			Study file for response.		0.00		
12743	TIME			Mark A. Haynes	1.80		
	8/13/2001			Attorney Time	0.00		
Billed	G:15705	9/27/2001					
			Review notes from inventor; revise application; call inventor.		0.00		
12744	TIME			Mark A. Haynes	0.40		
	8/13/2001			Attorney Time	0.00		
Billed	G:15704	9/27/2001					
			Review notes from inventor; revise application; e-mail inventor.		0.00		
12742	TIME			Mark A. Haynes	2.30		
	8/13/2001			Attorney Time	0.00		
Billed	G:15697	9/27/2001					
			Attention to due diligence issues; review portfolio; send copies		0.00		

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Page 2

Slip ID	Timekeeper		Units	Rate	Slip Value
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12741	TIME	Inactive	Mark A. Haynes	0.50	
8/13/2001			Attorney Time	0.00	
Billed	G:16232	11/21/2001			
Review file; fax letter to client re: response.				0.00	
Grand Total					
			Billable	7.70	
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# EXHIBIT H

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12801	TIME			Mark A. Haynes	0.20		
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	Billed	G:16217	11/21/2001		0.00		
			Review disclosures.				
12796	TIME			Mark A. Haynes	0.40		
	8/23/2001			Attorney Time	0.00		
	Billed	G:15697	9/27/2001		0.00		
			Attention to question re: [REDACTED] and international patent.				
12795	TIME			Mark A. Haynes	1.20		
	8/23/2001			Attorney Time	0.00		
	Billed	G:15555	9/27/2001	3COM.3641-1	0.00		
			Finalize; send out application.				
12803	TIME			Mark A. Haynes	5.10		
	8/23/2001			Attorney Time	0.00		
	Billed	G:15583	9/27/2001		0.00		
			Prepare for and attend meeting with [REDACTED]				
12799	TIME			Mark A. Haynes	0.30		
	8/23/2001			Attorney Time	0.00		
	Billed	G:15916	10/23/2001		0.00		
			E-mail [REDACTED] with question.				
12800	TIME			Mark A. Haynes	0.30		
	8/23/2001			Attorney Time	0.00		
	Billed	G:15586	9/27/2001		0.00		
			Review instructions; letter to [REDACTED] re: same.				
12798	TIME			Mark A. Haynes	0.30		
	8/23/2001			Attorney Time	0.00		
	Billed	G:16175	11/21/2001		0.00		
			Respond to e-mail re: status.				

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Page 2

Slip ID	Timekeeper	Units	Rate	Slip Value
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Billed	Attorney Time			
G:16124	11/21/2001	0.00		
Attention to e-mail re: same.				
Grand Total				
	Billable	7.90		
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	Total	7.90		